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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,874	01/16/2004	Harold Howard	5133.21	8436
7590	01/27/2006		EXAMINER STEPHENSON, DANIEL P	
LaValle D. Ptak 28435 N. 42nd St., Ste. B Cave Creek, AZ 85331			ART UNIT 3672	PAPER NUMBER

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,874

Applicant(s)

HOWARD, HAROLD

Examiner

Daniel P. Stephenson

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-26 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by the pre-grant publication '607 to Jacobs et al. Jacobs et al. '607 discloses a soil core sample with a cylindrical shape with a first diameter and a first length. There is a plastic casing (14) molded about the soil core sample in physical contact therewith. The casing has an external diameter greater than the external diameter of the core sample. The plastic casing is disclosed as being transparent to enable viewing. The core sample is broadly read as being stabilized since it comes from a retaining sleeve (15).

3. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams. Williams discloses a soil core sample with a cylindrical shape with a first diameter and a first length. There is a plastic casing (10) made from catalytic plastic resin molded about the soil core sample in physical contact therewith. The casing has an external diameter greater than the external diameter of the core sample. The plastic casing fully encloses the core sample.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Jacobs et al. '607. Williams shows all the limitations of the claimed invention, except it does not disclose that the plastic casing is clear. Jacobs et al. '607 discloses a core sample surrounded by clear plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use clear plastic as taught by Jacobs et al. '607 with the plastic casing of Jacobs et al. '607.

6. Claim 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Bond et al. Williams shows all the limitations of the claimed invention, except it does not disclose that the core sample is stabilized, nor does it show that it is adhesively bonded. Bond et al. discloses using an adhesive to stabilize an earthen formation before a core sample is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to stabilize the sample with the adhesive of Bond et al. before it is taken by the apparatus of Williams. This would be done if the earthen formation were not consolidated.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Jacobs et al. '607 as applied to claim 4 above, and further in view of Bond et al. Williams in view of Jacobs et al. '607 shows all the limitations of the claimed invention, except it does not disclose that the core sample is stabilized, nor does it show that it is adhesively

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bonded. Bond et al. discloses using an adhesive to stabilize an earthen formation before a core sample is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to stabilize the sample with the adhesive of Bond et al. before it is taken by the apparatus of Williams in view of Jacobs et al. '607. This would be done if the earthen formation were not consolidated.

Allowable Subject Matter

8. Claims 13-26 are allowed.

Conclusion

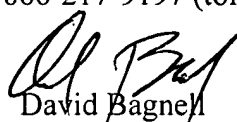
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Treadway et al., De Gast, Shelton et al. and Mendes da Rocha all show similar elements to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 